

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

MARIA AGUILAR,

Plaintiff,

v.

AMERICAN MEDICAL SYSTEMS,
INC.,

Defendant.

NO. 2:20-CV-00259-SAB

**SECOND AMENDED JURY
TRIAL SCHEDULING ORDER**

**JURY TRIAL SCHEDULED FOR
NOVEMBER 8, 2021**

Before the Court is the parties' Joint Motion to Extend Case Deadlines, ECF No. 77. The parties indicate that Plaintiff underwent an additional surgery late in 2020. This surgery has triggered additional discovery that may be relevant to Plaintiff's claims and Defendants' defenses. As a result, the parties ask the Court to extend the pretrial deadlines and trial date in this matter by sixty (60) days. Good cause exists to grant the motion.

Accordingly, **IT IS ORDERED:**

1. The parties' Joint Motion to Extend Case Deadlines, ECF No. 77, is

GRANTED.

2. The December 16, 2020 Jury Trial Scheduling Order, ECF No. 75, is amended as follows:

a. **Discovery.** Any additional or supplemental depositions shall be completed on or before **June 25, 2021**.

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b. **Expert Opinions:** Supplemental opinion by the parties' experts, if any shall be served on or before **July 1, 2021**, and rebuttals to any such opinions shall be served on or before **July 8, 2021**.

c. **Daubert motions:** Challenges to the admissibility of expert opinion testimony shall be made by written motion and filed by July 15, 2021. The parties shall update any remaining *Daubert* issues by this date using the appropriate federal law of the Ninth Circuit and shall supplement such motions to reflect any new expert opinions. Responses in opposition to *Daubert* briefing shall be filed by **July 29, 2021**, and replies shall be due on **August 5, 2021**. If the party challenging expert testimony anticipates that an evidentiary hearing shall be required, the party shall so advise the Court and opposing counsel in conjunction with the filing of its motions. Oral argument on *Daubert* motions, if requested, should take place by **August 26, 2021**.

d. *Motions in Limine:*

(i) *Motions in Limine* shall be filed and served on or before **September 9, 2021**.

(ii) *Responses:* shall be filed and served on or before **September 23, 2021**.

(iii) *Replies:* shall be filed and served on or before **September 30, 2021**.

(iv) *Notation:* *Motions in limine* shall be heard at the Court's discretion at a hearing in October 2021.

e. *Exhibit Lists and Witness Lists:* shall be filed and served and exhibits made available for inspection (or copies provided), on or before **October 4, 2021**. Objections to the opposing party's witness list or exhibit list and any accompanying briefs shall be filed and served on or before **October 12, 2021**. Responses, if any, to objections shall be filed and served on or before **October 18, 2021**.

f. The pretrial exhibit stipulation shall be filed on **October 18, 2021**.

g. The parties shall notify the Court on or before **September 24, 2021** whether deposition testimony will be used at trial. The Court will then schedule a hearing to review all designated testimony and objections so that a final edited version of the deposition testimony can be prepared for trial.

h. A joint Pretrial Order, prepared in accordance with the format provided in Local Rule 16.1(e), shall be filed on or before **October 18, 2021** and a copy e-mailed in Word format to the Court at bastianorders@waed.uscourts.gov.

i. Trial briefs and voir dire shall be filed by **October 14, 2021**.

j. No later than **October 14, 2021**, the parties shall file jointly proposed jury instructions.

3. The September 13, 2021 jury trial is **continued** to **November 8, 2021**, at **9:00 a.m.** in **SEATTLE**, Washington. Counsel estimates a trial length of twelve to fifteen days.

4. The pretrial conference set for September 7, 2021, is **continued** to **October 25, 2021** at **9:00 a.m.** in **SEATTLE**, Washington.

IT IS SO ORDERED. The District Court Clerk is hereby directed to enter this Order and to provide copies to counsel.

DATED this 2nd day of March 2021.



STANLEY A. BASTIAN
United States District Judge